

Order

Michigan Supreme Court
Lansing, Michigan

November 3, 2005

Clifford W. Taylor,
Chief Justice

127240

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

KEITH A. HUBBARD,
Plaintiff-Appellee,

v

SC: 127240
COA: 246165
Wayne CC: 01-115388-NO

NATIONAL RAILROAD PASSENGER
CORPORATION a/k/a AMTRAK,
Defendant-Appellant,
and

SAUK TRAIL DEVELOPMENT, INC., a/k/a
SAUK TRAIL HILLS DEVELOPMENT,
ALLIED WASTE SYSTEMS, INC., a/k/a
ALLIED WASTE INDUSTRIES, INC., and
AUTO CLUB INSURANCE ASSOCIATION
d/b/a AUTO CLUB INSURANCE COMPANY,
and AUTO CLUB OF MICHIGAN
INSURANCE GROUP,
Defendants.

On October 19, 2005, the Court heard oral argument on the application for leave to appeal the September 7, 2004 judgment of the Court of Appeals. On order of the Court, the application for leave to appeal is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment that reverses the Wayne Circuit Court's grant of defendant's motion for summary disposition on plaintiff's Federal Employers' Liability Act claim, for the reasons stated by dissenting Court of Appeals Judge Zahra. We REINSTATE the order of the Wayne Circuit Court granting defendant's motion for summary disposition.

CAVANAGH and KELLY, JJ., would deny leave to appeal.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 3, 2005

Corbin R. Davis

Clerk